

REMARKS/ARGUMENTS

Applicant's representative received the above-noted Final Official Action on September 21, 2005. However, while the cover page (PCO-90C) of the Final Official Action indicates that the Final Official Action is directed to U.S. Patent Application No. 09/964,748, the body of the Final Official Action (i.e., the Office Action Summary, the Response to Arguments, the Claim Rejections and the Conclusion) are entirely directed to a patent application which is not U.S. Patent Application No. 09/964,748. In particular, each of the pages of the body of the Final Official Action indicate that the Final Official Action is directed to U.S. Patent Application No. 09/964,167, which is not the present application.

Applicant's representative, Joshua M. Povsner, called the Examiner on October 5, 2005, and brought the above-noted information to the Examiner's attention. In a follow-up telephone call on October 6, 2005, the Examiner indicated that Applicant should file a Response and return the misdirected original copy of the Final Official Action to the Examiner. The Examiner further indicated that the misdirected outstanding Final Official Action would be withdrawn, and a new Official Action would be issued with a new date.

Accordingly, the original copy of the Final Official Action is attached hereto.

SUMMARY AND CONCLUSION

Accordingly, Applicant respectfully requests withdrawal of the outstanding Final Official Action, insofar as each of the objections and rejections contained therein is directed to the claims of an application other than U.S. Patent Application No. 09/964,748.

Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
Shinichi KAWAI



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October 10, 2005
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/964,748	09/28/2001	Shinichi Kawai	P20873	2169

7055 7590 09/20/2005

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1950 ROLAND CLARKE PLACE
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EXAMINER

MENBERU, BENIYAM

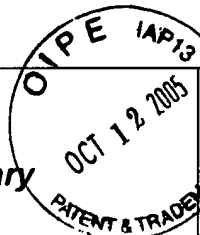
ART UNIT	PAPER NUMBER
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2626

DATE MAILED: 09/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary



Application No.

89/964,167

Examiner

Beniyam Menberu

Applicant(s)

WU ET AL.

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

Response to Arguments

1. Applicant's arguments, see pages 8-11, filed June 14, 2005, with respect to the rejection(s) of claim(s) 1, 2, 5, 8, 9, 10, 13, 16, 17, and 18 under U.S. Patent No. 5537516 to Sherman et al have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of U.S. Patent No. 5537516 to Sherman et al in view of U.S. Patent No. 6829058 to Kumada.

Claim Rejections - 35 USC § 112

2. Claim 18-20 recites the limitation "The medium of claim 16" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 1, 2, 5, 8, 9, 10, 13, 16, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5537516 to Sherman et al in view of U.S. Patent No. 6331042 to Yamada.

Regarding claims 1 and 17, Sherman et al disclose a generalized color calibration architecture and program (column 7, lines 22-30) comprising:
a first interface to receive raw measuring data of a sample from a measuring tool, the data having a color data type, the sample having one or more color targets on which basis color calibration of a device is to be performed, each color target having an arrangement of one or more color patches (column 17, lines 1-14; column 5, lines 33-35; column 12, lines 10-15);

a second interface to receive a color calibration approach (column 15, lines 1-24), the color data type (column 2, lines 54-57; column 5, lines 33-40), one or more target identifiers specifying the one or more color targets (column 8, lines 60-62; column 14, lines 23-26), and a color patch order for each target identifier specifying the arrangement of the one or more color patches of a corresponding one of the one or more color targets (column 10, lines 56-60, lines 64-67); and,

a color calibration manager to perform the calibration based on the raw measuring data, the color data type, the one or more target identifiers, and the color patch order for each target identifier, according to the color calibration approach, the calibration one of yielding and updating one or more color conversion tables for subsequent use with the device (column 16, lines 47-60).

However Sherman et al does not disclose a color calibration approach input by a user as a desired one of a number of different color calibration approaches.

Yamada disclose color calibration approach input by a user as a desired one of a number of different color calibration approaches (column 4, lines 3-24; column 6, lines 2-44; column 9, lines 22-30).

Sherman et al and Yamada are combinable because they are in the similar problem area of color calibration.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the user specified color calibration approach taught by Yamada with the system of Sherman et al to implement color calibration based on user preference.

The motivation to combine the reference is clear because Yamada provides the user flexibility on the formation of the look-up table based on user input (column 4, lines 3-18).

Regarding claims 2 and 18, Sherman et al in view of Yamada teach all the limitations of claims 1 and 17. Further Sherman et al disclose the architecture and program, further comprising a data converter to convert the raw measuring data, the color data type, the one or more target identifiers, and the color patch order for each target identifier to formatted data for input to the color calibration manager (column 13, lines 66-67; column 14, lines 1-3, lines 47-60).

Regarding claim 5, Sherman et al in view of Yamada teach all the limitations of claim 1. Further Sherman et al in view of Yamada disclose the architecture of claim 1, wherein the measuring tool comprises one of: an embedded device sensor, a densitometer, a colorimeter, and a spectrophotometer (column 13, lines 31-35).

Regarding claim 8, Sherman et al in view of Yamada teach all the limitations of claim 1. Further Sherman et al disclose the architecture of claim 1, wherein the color data type comprises one of: a luminance data type, a CIEXYZ data type, a CIELAB data type, and a spectrum data type (column 2, lines 55-58).

Regarding claim 9, Sherman et al disclose a generalized color calibration method comprising:

printing by a device a sample having one or more color targets on which basis color calibration of the printer is to be performed (column 9, lines 53-57), each color target having an arrangement of one or more color patches (column 17, lines 1-14; column 5, lines 33-35; column 12, lines 10-15);

measuring by a measuring tool raw measuring data of the sample having a color data type (column 13, lines 32-38);

inputting a color calibration approach(column 15, lines 1-24), the raw measuring data (column 12, lines 58-62; column 13, lines 4-10), the color data type (column 2, lines 54-57; column 5, lines 33-40), one or more target identifiers specifying the one or more color targets (column 8, lines 60-62; column 14, lines 23-26), and a color patch order for each target identifier specifying the arrangement of the one or more color patches of a corresponding one of the one or more color targets (column 10, lines 56-60, lines 64-67);

performing the color calibration of the printer based on the raw measuring data, the color data type, the one or more target identifiers, and the color patch order for each target identifier, according to the color calibration approach, the color calibration

one of yielding and updating one or more color conversion tables for use with the printer during subsequent printing (column 16, lines 47-60); and, outputting the one or more color conversion tables (column 12, lines 9-13).

However Sherman et al does not disclose a color calibration approach input by a user as a desired one of a number of different color calibration approaches.

Yamada disclose color calibration approach input by a user as a desired one of a number of different color calibration approaches (column 4, lines 3-24; column 6, lines 2-44; column 9, lines 22-30).

Sherman et al and Yamada are combinable because they are in the similar problem area of color calibration.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the user specified color calibration approach taught by Yamada with the system of Sherman et al to implement color calibration based on user preference.

The motivation to combine the reference is clear because Yamada provides the user flexibility on the formation of the look-up table based on user input (column 4, lines 3-18).

Regarding claim 10, Sherman et al in view of Yamada teach all the limitations of claim 9. Further Sherman et al disclose the method of claim 9, further comprising, prior to performing the color calibration, converting the raw measuring data, the color data type, the one or more target identifiers, and the color patch order for each target

identifier to formatted data (column 13, lines 66-67; column 14, lines 1-3, lines 47-60; column 15, lines 1-8).

Regarding claim 13, Sherman et al in view of Yamada teach all the limitations of claim 9. Further Sherman et al disclose the method of claim 9, wherein measuring by the measuring tool comprises measuring by a tool external to the printer, after printing the sample by the printer has been completed (column 13, lines 20-25; Figure 12, reference 1202, 406; column 16, lines 36-41).

Regarding claim 16, Sherman et al in view of Yamada teach all the limitations of claim 9. Further Sherman et al disclose the method of claim 9, further comprising repeating the method (column 14, lines 30-35).

5. Claims 3 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5537516 to Sherman et al in view of U.S. Patent No. 6331042 to Yamada further in view of U.S. Patent No. 6462835 to Loushin et al.

Regarding claim 3, Sherman et al in view of Yamada teaches all the limitations of claim 1. However Sherman et al in view of Yamada does not disclose the architecture of claim 1, further comprising a color calibration algorithm library having one or more color calibration algorithms for calling by the color calibration manager to one of generate and update the one or more color conversion tables.

Loushin et al disclose the architecture of claim 1, further comprising a color calibration algorithm library having one or more color calibration algorithms for calling by the color calibration manager to one of generate and update the one or more color conversion tables (column 1, lines 39-42; lines 50-59).

Sherman et al, Yamada, and Loushin et al are combinable because they are in the similar problem area of color calibration.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the calibration algorithm of Loushin et al with the calibration system of Sherman et al in view of Yamada to implement an effective color calibration system.

The motivation to combine the reference is clear because since there are different forms of hues as taught by Loushin et al it is necessary to have a library of calibration algorithm to calibrate a color printer (Loushin et al: column 1, lines 50-65).

Regarding claim 11, Sherman et al in view of Yamada teach all the limitations of claim 9. Further Loushin et al discloses the method of claim 9, wherein performing the color calibration comprises calling one or more color calibration calls from a color calibration call library of color calibration calls, to one of generate and update the one or more color conversion tables (column 1, lines 39-42; lines 50-59).

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5537516 to Sherman et al in view of U.S. Patent No. 6331042 to Yamada further in view of U.S. Patent No. 6462835 to Loushin et al further in view of U.S. Patent No. 5172224 to Collette et al.

Regarding claim 4, Sherman et al in view of Yamada further in view of Loushin et al teach all the limitations of claim 3. However Sherman et al in view of Yamada further in view of Loushin et al does not disclose the architecture of claim 3, wherein the one or

more calibration algorithms comprise a linearization color calibration algorithm and a neutral-axis color calibration algorithm.

Collette et al disclose the architecture of claim 3, wherein the one or more calibration algorithms comprise a linearization color calibration algorithm and a neutral-axis color calibration algorithm (column 3, lines 55-65; column 9, lines 43-47).

Sherman et al, Yamada, Loushin et al, and Collette et al are combinable because they are in the similar problem area of color calibration.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine calibration algorithm of Collette et al with the calibration system of Sherman et al in view of Yamada in view of Loushin et al to implement linear and neutral color calibration.

The motivation to combine the reference is clear because the calibration algorithm provides for match between monitor image and print data (Collette et al: column 3, lines 51-55) and also balancing of neutral colors (Collette et al: column 9, lines 43-47).

7. Claims 6, 7, 14, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5537516 to Sherman et al in view of U.S. Patent No. 6331042 to Yamada further in view of United States Patent Application Publication No. US 2004/0160641 A1 to Kohler et al.

Regarding claim 6, Sherman et al in view of Yamada teach all the limitations of claim 1. However Sherman et al in view of Yamada does not disclose the architecture of claim 1, wherein the second interface comprises a user interface.

Kohler et al discloses the architecture of claim 1, wherein the second interface comprises a user interface (page 3, paragraph 41).

Sherman et al, Yamada, and Kohler et al are combinable because they are in the similar problem area of color calibration.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the user interface of Kohler et al with the calibration system of Sherman et al in view of Yamada to implement calibration with user input.

The motivation to combine the reference is clear because Kohler et al teach that the user interface can be used to control the printing of patches (page 3, paragraph 41).

Regarding claim 7, Sherman et al in view of Yamada further in view of Kohler et al teach all the limitations of claim 6. Further Kohler et al disclose the architecture of claim 6, wherein the user interface comprises a graphical user interface (page 3, paragraph 41).

Regarding claim 14, Sherman et al in view of Yamada teaches all the limitation of claim 9. Further Kohler et al discloses the method of claim 9, wherein inputting the raw measuring data comprises receiving the raw measuring data from the measuring tool through a measuring tool interface (page 2, paragraph 34).

Regarding claim 15, Sherman et al in view of Yamada teaches all the limitation of claim 9. Further Kohler et al disclose the method of claim 9, wherein inputting the color data type, the one or more target identifiers, and the color patch order for each target identifier comprises receiving input from a user through a user interface (page 3, paragraph 41).

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8. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5537516 to Sherman et al in view of U.S. Patent No. 6331042 to Yamada further in view of U.S. Patent No. 6178007 to Harrington.

Regarding claim 12, Sherman et al in view of Yamada teaches all the limitations of claim 9. However Sherman et al in view of Yamada does not disclose the method of claim 9, wherein measuring by the measuring tool comprises measuring by an embedded sensor of the printer, substantially concurrent with printing the sample by the printer.

Harrington discloses a measuring tool wherein measuring by the measuring tool comprises measuring by an embedded sensor of the printer, substantially concurrent with printing the sample by the printer (column 5, lines 16-27).

Sherman et al, Yamada, and Harrington are combinable because they are in the similar problem area of color calibration.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine embedded sensor of Harrington with the calibration system of Sherman et al in view of Yamada to implement calibration using a printer.

The motivation to combine the reference is clear because if the sensor is within the printer it can reduce the overall hardware needed to implement the calibration.

9. Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5537516 to Sherman et al in view of U.S. Patent No. 6331042 to Yamada further in view of U.S. Patent No. 5995714 to Hadley et al.

Regarding claims 19, Sherman et al in view of Yamada teach all the limitations of claim 17. However Sherman et al in view of Yamada does not disclose the medium of claim 17, wherein the computer-readable medium is at least part of a firmware of the device, the device being the computerized device, the processor of which executes the computer program.

Hadley et al disclose calibration of printers wherein the computer-readable medium is at least part of a firmware of the device, the device being the computerized device, the processor of which executes the computer program (column 7, lines 10-18).

Sherman et al, Yamada, and Hadley et al are combinable because they are in the similar problem area of color calibration.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the calibration software implementation of Hadley et al with calibration system of Sherman et al in view of Yamada to implement calibration method using software.

The motivation to combine the reference is clear because memory can be saved in the computer if the software is implemented within the device.

Regarding claim 20, Sherman et al in view of Yamada teach all the limitations of claim 17. Further Hadley et al disclose calibration of printers wherein the computer-readable medium is a part of a computer communicatively coupled to the device, the computer being the computerized device, the processor of which executes the computer program (column 7, lines 10-18).

Other Prior Art Cited

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6829058 to Kumada disclose network server for color matching.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beniyam Menberu whose telephone number is (571) 272-7465. The examiner can normally be reached on 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams can be reached on (571) 272-7471. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service office whose telephone number is (571) 272-2600. The group receptionist number for TC 2600 is (571) 272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.


For more information about the PAIR system, see <http://pair-direct.uspto.gov/>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patent Examiner

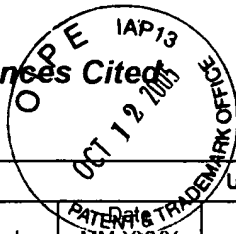
Beniyam Menberu

BM

09/18/2005


KIMBERLY WILLIAMS
SUPERVISORY PATENT EXAMINER

Notice of References Cited



Application/Control No.

09/964,167

Applicant(s)/Patent Under

Reexamination

WU ET AL.

Examiner

Beniyam Menberu

Art Unit

2626

Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-6,829,058	12-2004	Kumada, Shuichi	358/1.15
	B	US-6,331,042	12-2001	Yamada, Shigeki	347/19
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

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	N					
	O					
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	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
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	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.